



BOARD OF PUBLIC WORKS & SAFETY AUGUST 18, 2005 MINUTES

Mayor Charles Henderson called the meeting to order at 6:05 p.m.

PRESENT:	Board members Warren Beville, Mayor Henderson; Kevin Hoover; Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis; and Director of Engineering Paul Peoni.
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Mr. Beville moved to accept the minutes of the regular session of August 4th as presented. Second by Mr. Hoover. Vote: Ayes.

Jack Lott of 1272 Bull Run North Drive (Shiloh Run Lot 9) came forward to ask for encroachment of a sanitary sewer and a drainage and utility easement for pool installation. Mr. Lott indicated that when they moved into the house seven years ago a fence was already installed and he assumed he had a fenced-in yard. When he installed a deck he found he did not have that much territory, he said, and came before the Board to get permission to install the deck. Mr. Lott had pictures of the area and pointed out to the Board the section behind the fence where the City could get in for access if necessary. The fence would still be there, he said. Mr. Lott told the Board he understood that if the City needed access he would have to take down the pool and estimated the distance between the trees and the house at 45 feet. Instead of a round pool, as in the drawing, Mr. Lott would prefer a square pool that would not take up as much room. Mr. Hoover moved to grant the request for the easement encroachment in a location to be approved by the Director of Engineering, with the understanding that any structure that is installed would be removed if the City needed access to the easement. Second by Mr. Beville. Mayor Henderson learned that Mr. Lott had letters from the utility companies except for the water company and the Mayor would like him to make an effort to get one. Mr. Lott said the person he spoke with from the water company said there should be no problem but they would like to inspect the area when he is ready to install the pool. Vote: Ayes.

Doug Wagner of Precedent Development came forward for The Trails at Woodfield – Section 1 to ask for acceptance of the dirtwork and storm sewers, acceptance of the maintenance bond and release of the performance bond. Mr. Peoni stated that the improvements appear to have been satisfactorily installed in the field. The amount and improvement shown on the maintenance bond is correct and approved by the Engineering Department. The Law Department has approved the form of the bond. There are acceptable paper as-builts. Mr. Beville moved to:

- 1) Accept the dirtwork and storm sewers at The Trails at Woodfield – Section 1.
- 2) Accept three (3) year maintenance bond #5014748 in the amount of \$102,430.22 from Bond Safeguard Insurance Company for the dirtwork and storm sewers at The Trails at Woodfield – Section 1.
- 3) Release performance bond # 5012551 with rider in the amount of \$512,151.09 from Bond Safeguard Insurance Company for the installation of the dirtwork and storm sewers at The Trails at Woodfield – Section 1, all based upon:
 - a) Final receipt of two (2) mylar sets of as-builts by the Engineering Department.
 - b) Final payment of any Inspection & Testing fees, if applicable.

Second by Mr. Hoover. Vote: Ayes.

Mr. Wagner brought the same type of request for The Chateaux at Woodfield – Section 1. Again a field inspection showed that the dirtwork and storm sewers appear to have been satisfactorily installed. The amount and improvement shown on the maintenance bond is correct and approved by the Engineering Department and the form has been approved by the Law Department. The Engineering Department has received acceptable paper as-builts. Mr. Hoover moved to:

- 1) Accept the dirtwork and storm sewers at The Chateaux at Woodfield – Section 1.
- 2) Accept three (3) year maintenance bond #5014747 in the amount of \$193,439 from Bond Safeguard Insurance Company for the dirtwork and storm sewers at The Chateaux at Woodfield – Section 1.

- 3) Release performance bond #5011345 with rider in the amount of \$967,196 from Bond Safeguard Insurance Company for the installation of the dirtwork and storm sewers at The Chateaux at Woodfield – Section 1, all subject to:
 - a) Final receipt of two (2) mylar sets of as-builts to the Engineering Department.
 - b) Final payment of any Inspection & Testing fees, if applicable.

Second by Mr. Beville. Vote: Ayes.

On behalf of University Park, Section 4, Mr. Wagner requested acceptance of improvements, acceptance of the maintenance and performance bonds and execution of the plat. Mr. Peoni confirmed that all items being requested for acceptance appear to have been satisfactorily installed. The amounts and improvements shown on the bonds are correct and approved by the Engineering Department. The form of the bonds has been approved by the Law Department. The 1/3 SAF has been handled by SAF Credit Agreement #200. The Engineering Department has received acceptable paper as-builts. Minor revisions are needed on the plat. Mr. Hoover moved to:

- 1) Accept the sanitary sewers at University Park, Section 4, subject to Keith Meier, Sanitation Superintendent, approval.
- 2) Accept three (3) year maintenance bond #5014775 in the amount of \$10,235 from Bond Safeguard Insurance Company for the sanitary sewers at University Park, Section 4.
- 3) Accept the dirtwork and storm sewers at University Park, Section 4.
- 4) Accept three (3) year maintenance #5014774 in the amount of \$16,624.34 from Bond Safeguard Insurance Company for the dirtwork and storm sewers at University Park, Section 4.
- 5) Accept the stone base, bituminous base, bituminous binder and concrete curbs (streets) at University Park, Section 4.
- 6) Accept three (3) year maintenance bond #104572393 in the amount of \$7,192 from St. Paul Fire and Marine Insurance Company for the stone base, bituminous base and bituminous binder (streets) at University Park, Section 4.
- 7) Accept three (3) year maintenance bond #5017024 in the amount of \$3,106.40 from Bond Safeguard Insurance Company for the concrete curbs at University Park, Section 4.
- 8) Accept performance bond #5014778 in the amount of \$5,131.50 from Bond Safeguard Insurance Company for the installation of the bituminous surface and tack coat at University Park, Section 4.
- 9) Accept performance bond #5014777 in the amount of \$493.90 from Bond Safeguard Insurance Company for the installation of the signs and monuments at University Park, Section 4.
- 10) Accept performance bond #5014776 in the amount of \$17,097.30 from Bond Safeguard Insurance Company for the installation of the sidewalks at University Park, Section 4.
- 11) Execute the plat, all contingent upon:
 - a. Final receipt of two (2) mylar sets of as-builts by the Engineering Department.
 - b. Final payment of any Inspection & Testing fees, if applicable.
 - c. Final review and approval of the plat by the Engineering and Planning Departments.

Second by Mr. Beville. Vote: Ayes.

Mike Diamente of Schneider Corporation was next, on behalf of Republic Development, to ask for acceptance and execution of three offsite plat-over drainage easements and one offsite plat-over sanitary sewer easement for Bainbridge, Section 1. Mr. Peoni confirmed that the legal descriptions and graphic exhibits have been reviewed and approved by the Engineering Department and the form has been approved by the Law Department. Mr. Beville moved to:

- 1) Accept and execute (3) offsite plat-over drainage easement.
- 2) Accept and execute (1) offsite plat-over sanitary sewer easement.

Second by Mr. Hoover. Vote: Ayes.

For Southlake at Bainbridge – Section 2, Mr. Diamente asked for acceptance and execution of one offsite plat-over drainage easement. Once again, the legal description and graphic exhibit have been reviewed and approved by the Engineering Department and the form has been approved by the Law Department. Mr. Beville moved to:

- 1) Accept and execute (1) offsite plat-over drainage easement.

Second by Mr. Hoover. Vote: Ayes.

At this point Mayor Henderson discussed an Executive Order drafted because of the continued rapid increase in the cost of fuel. He indicated that in July 2004 the City used 80,993 gallons of unleaded gasoline. In July 2005 we used 7,983 gallons, partly because employees were reimbursing for fuel in

take home vehicles. The City used 3,025 gallons of diesel fuel in July 2004 and 2,937 gallons in July 2005. However, the Mayor indicated that with the cost of fuel going from an average of \$1.73 in July 2004 to \$2.02 in July 2005 (now \$2.64) the Mayor thought it was time to take added measures. The Mayor gave copies of Executive Order No. 2005-1 to the Board (copy in attachments of this meeting) and added he would probably sign it on Monday after the City Attorney has reviewed it. The order relates to take home vehicles and would take effect September 1st.

Police Chief Joe Pitcher came forward to present a request for approval of weapons replacement and trade. He has received two quotes. Kiesler's Police Supply of Jeffersonville gave the lowest and best pricing available, per the Chief's memo. He listed the serial numbers and make/model of the weapons the Department will trade (in attachments of this meeting). Some are at least 20 years old. Mr. Hoover moved to approve the Chief's request for replacement and trade of weapons and accessories. Second by Mr. Beville. Vote: Ayes.

On his Status of Tasks, Mr. Peoni indicated that Brighton Estates, Section One, is presenting a request for acceptance of their performance bond for erosion control and acceptance of their Inspection & Testing Agreements (general and sanitary sewers). The bond has been approved by both the Engineering and Law departments. Mr. Hoover moved to:

- 1) Accept performance bond #5014779 in the amount of \$60,502.05 from Bond Safeguard Insurance Company for the installation of the erosion control at Brighton Estates, Section One.
- 2) Accept the Inspection & Testing Agreement for the sanitary sewers at Brighton Estates, Section One and ratify the acceptance of the 50% upfront fee.
- 3) Accept the Inspection & Testing Agreement for all improvements except sanitary sewer at Brighton Estates, Section One and ratify acceptance of the 50% upfront fee.

Second by Mr. Beville. Vote: Ayes. Mr. Peoni told the Board that Ken Zumstein is asking that an indemnification agreement be prepared. Their sanitary sewer is dependent upon the Tuscany Village sewers on the west side of Honey Creek Road. The Plan Commission condition states that a "letter of indemnification shall be required from the developer if a land alteration permit is submitted prior to the completion of the Tuscany Village sanitary sewers". Ms. Koons-Davis described the same situation with Woodfield. Mr. Hoover moved to grant the request for the indemnification or "hold harmless" agreement, subject to final approval by the City Attorney. Second by Mr. Beville. Vote: Ayes. Mr. Peoni stated that for the sanitary sewer to get to the Tuscany Village sewer system, they have to cross Honey Creek Road from east to west. He pointed out that we normally would require them to bore so as not to tear up the roadway; however in this area the roadway is going to be completely rebuilt, as it has been further south, so they are requesting that they be allowed to open cut the road and do all the proper notifications to public safety and school corporations. The cut should be for one day, confirmed Mr. Zumstein. Mr. Hoover moved to grant the request for an open cut on Honey Creek Road with the details to be worked out with the Director of Engineering. Second by Mr. Beville. Vote: Ayes.

For the Vitamin Shoppe, to be on U.S. 31 in front of Value City Furniture, Mr. Peoni brought a request to accept their performance bond for dirtwork, storm sewers and erosion control and to accept the Inspection & Testing Agreement (general). Mr. Hoover moved to:

- 1) Accept performance bond #6339610 in the amount of \$16,692.78 from Safeco Insurance Company of America for the installation of the dirtwork, storm sewers and erosion control at the Vitamin Shoppe site.
- 2) Accept the Inspection & Testing Agreement for all improvements except sanitary sewer at the Vitamin Shoppe site and ratify acceptance of the 50% upfront fee, all contingent upon:
 - a) Receipt of the ORIGINAL performance bond.
 - b) Final review and approval of the performance bond form by the Law Department.

Second by Mr. Beville. Vote: Ayes.

At this time the Clerk-Treasurer indicated that the I-T Department had brought her an invoice from AP Technology – one year maintenance coverage on the software required to print checks through the GEMS system. Mr. Hoover moved to allow the payment of Invoice #IN20052752 for \$1,390 from AP Technology with Sanitation Operating funds. Second by Mr. Hoover. After a year, the Mayor said, the Council will determine what portion to refund to the General fund. Vote: Ayes.

Ms. Myers next presented petitions to vacate a platted easement by Woolpert, Inc. for Regency Centers and Wal-Mart. Ms. Koons-Davis explained that they have to vacate because they relocated the easement from the secondary plat. All utilities consented, she added, and all statutory requirements have been met. Mr. Hoover moved to grant the petitions by Regency Centers and Wal-Mart to vacate the

platted easements as requested and recommend the vacation to the Common Council. Second by Mr. Beville. Vote: Ayes.

The Clerk-Treasurer next asked for direction from the Board on a check from Surplus Lab that they stopped payment on after the purchase of lab equipment. The check for f\$7,667. Mr. Hoover moved to direct the City Attorney to take all action she deems appropriate to collect any money due from Surplus Lab. Second by Mr. Beville. Vote: Ayes.

Mr. Beville moved that the claims be approved as presented through August 18th. Second by Mr. Hoover. Vote: Ayes.

With no further business, the meeting adjourned at 6:40 p.m.